substituting for men and systems the vital thoughts for which the men contended, and of which the systems were but the garments. He endeavored to trace the origin and development of those thoughts age by age from the beginnings of speculation to the present day. Broad learning, a judicial habit of mind, a rare gift for the weaving of many threads, drawn from widely scattered sources, into one coherent whole, had well fitted the author for his task. The work is now an acknowledged classic. The second German edition has been revised throughout and somewhat enlarged. This new edition of Professor Tufts' excellent translation seems to have been reprinted for the most part from the plates of the first edition, the additions and corrections of the second German edition being added in an appendix.[1]

REVIEWS.

The Control of Trusts. By JOHN BATES CLARK. Pp. 88. Price, 60c. New York: The Macmillan Company.

"The Control of Trusts" is the title of a little book by Professor John B. Clark, of Columbia University, in which he has brought together, in connected series, his discussions of the various phases of the trust problem that have appeared in our periodical literature.

Many volumes have been written on the subject of trusts, but Professor Clark's treatment is a departure from the usual, in that he discusses it from the point of view of economic theory, and advocates a certain definite policy. Centralization and combination *per se* are not bad, as he sees it, but become so only when by unfair means they prevent competition, either real or political, from entering the field in which it is needed. The efficient independent producer insures competition and is our guardian against the evils which flow from monopoly control. But the trust can by its predatory methods ruin him; when economy in production no longer protects him against his strong assailant it is time for the state to intervene. Drastic laws have been enacted with but little effect; but statutes cannot be our sole reliance. At this point Professor Clark invokes the common law for relief. He considers it the most efficient means of curbing the power of the trusts; for it contains the "never-to-be-abandoned principle" that monopolies are contrary to public policy and definitely outlawed. "The common law," says Professor Clark, "forbids monopoly, and there is no possible danger that this prohibition will ever be abandoned . . The thing to be done is to discover what is a monopoly, and to decide what shall be done with it when it is identified." This duty rests upon the courts, nor have they hesitated to assume it. The federal "anti-trust" act of 1890 left the task of defining monopoly

[1] Contributed by Wm. Romaine Newbold.

with the court, and that has been the chief cause of its failure. There being no common law offences against the United States, the federal courts cannot look to that body of law as a source of criminal jurisdiction. Crimes and offences against the United States must be expressly designated by law; Congress must define the same, fix their punishment and confer the jurisdiction to try them. But when Congress adopts or creates common law offences, then the courts can resort to that law for the true meaning and definition of such crimes.[1] In construing the law of 1890, the court resorting to the common law definition of monopoly came to the conclusion that it meant: the selling *alone* or exclusively *all* of a particular kind of merchandise or commodity to the detriment of the public, all others being restrained from the exercise of a right or liberty which they had before the monopoly was secured. This view or definition is quite at variance with Professor Clark's idea of a monopoly. He reaches his conclusion that the common law furnishes an adequate remedy for the evils of monopoly from definitions not employed by the courts. If he were to proceed from their definitions and premises his conclusion would be quite different, *i. e.*, that the common law, as understood and enforced against monopolies and contracts in restraint of trade at the present time, is not an efficient remedy with which to combat the evils of our present commercial and industrial system.

FRANK E. HORACK.

University of Pennsylvania.

Municipal Administration. By DR. JOHN A. FAIRLIE, Assistant Professor of Administrative Law in the University of Michigan. Pp. 447. Price, $3.00. New York: Macmillan Co., 1901.

Dr. Fairlie's book is designed "to give a general knowledge of the whole field of municipal administration for those interested in public affairs, and at the same time to form the groundwork for more detailed investigation to those who make this a special field for academic study or for practical purposes." The author has succeeded in collecting a vast amount of information, statistical and historical, and has put it in interesting and readable form.

Part I is an historical survey of cities ancient and modern. The importance of ancient cities, the decline during the middle ages, the modern revival, and the reasons therefor are clearly set forth. It is interesting to note that ancient cities had many experiences with that class of public servants known as "boodlers." "The improvement of municipal conditions which marks the beginnings of modern city life" are found in the reign of Louis XIV. England first felt the pressure

[1] *Cf.*, opinion of Circuit Judge Jackson, 52 Fed. Rep.